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OFFICIAL

June 28, 2004

TO: Examiner James Martinell (TC1600)

GROUP: 1645

FAX NUMBER: 703-872-9306

ATTORNEY DOCKET NO.: DEX-0279

SERIAL NO.: 10/001,885

FILED: November 20, 2001

NUMBER OF PAGES:

MESSAGE: Attached please find Amendment Transmittal Letter, Reply to Restriction
Requirement mailed May 28, 2004 and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Salceda et al.

Docket No.

DEX-0279

Application No.
10/001,885Filing Date
November 20, 2001Examiner
James MartinellGroup Art Unit
1645

Invention: Compositions and Methods Relating to Ovary Specific Genes and Proteins

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Response to Restriction Requirement

(Identify type of correspondence)

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(Signature)

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AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. DEX-0279	
Applicant(s): Salceda et al.					
Application No. 10/001,885	Filing Date November 20, 2001	Examiner James Martinell	Customer No. 32800	Group Art Unit 1645	Confirmation No. 3414
Invention: Compositions and Methods Relating to Ovary Specific Genes and Proteins					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p>					
 <i>Signature</i> Kathleen A. Tyrrell, Reg. No. 38,350					
Dated: June 28, 2004					
<div style="border: 1px solid black; padding: 5px;"> I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. </div>					
<i>Signature of Person Mailing Correspondence</i>					
<div style="border: 1px solid black; padding: 5px;"> Type or Printed Name of Person Mailing Correspondence </div>					
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JUN 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Attorney Docket No.:

DEX-0279

Inventors:

Salceda et al.

Serial No.:

10/001,843

Filing Date:

November 20, 2001

Examiner:

Martinell, James

Group Art Unit:

1637

Title:

Compositions and Methods Relating to
Ovary Specific Genes and Proteins

Certificate of Facsimile Transmission

I hereby certify that this document is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

On June 28, 2004

Kathleen A. Tyrrell
Kathleen A. Tyrrell, Registration No. 38,350

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed May
28, 2004 setting a one (1) month statutory period for response.
Please enter the following remarks into the record.

Remarks begin at page 2.

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Inventors: Salceda et al.
Serial No.: 10/001,885
Filing Date: November 20, 2001
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REMARKS

Claims 1-17 are pending in the instant patent application.

Claims 1-17 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-9, 14/1, and 15/1, drawn to nucleic acids, vectors, methods of making host cells, methods of making polypeptides and methods of diagnosis using nucleic acids, classified in class 536, subclass 23.5 and class 435, subclasses 252.3, 325, 6, 320.1, and 69.1;

Group II, claims 9 and 10 6, drawn to polypeptides, classified in class 530, subclass 350;

Group III, claims 12, 13, 14/6, and 15/6, drawn to antibodies, antibody assays and kits, classified in class 530, subclass 387.1 and class 435, subclass 7.1;

Group IV, claim 16, drawn to methods of treatment using antibodies, classified in class 424, subclass 130.1; and

Group V, claim 17, drawn to nucleic acid vaccines, classified in class 514, subclass 44.

The Examiner suggests that these Groups are distinct, each from the other.

Specifically, the Examiner suggests that the nucleic acids, vectors and host cells of Group I are materially different from the polypeptides of Group II and the antibodies of Group III and that the polypeptides of Group II are materially different from the antibodies of Group II and that both are materially different from the vaccines of Group V. Further, the Examiner suggests that the methods of Group I are not needed to make the polypeptides of Group II

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or the antibodies of Group III nor to practice the method of Group IV and that the methods of Group IV are not needed to make the nucleic acid vaccines of Group V. Finally the Examiner suggests that the methods of Groups I, III and IV may be practiced independently.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any references teaching uses for the nucleic acid, polypeptide or antibody. Accordingly, Applicants believe that searching of all the claims, at least when limited to elected nucleic acids, polypeptides, or antibodies, is overlapping and would not place an undue burden on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

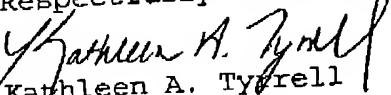
In addition, with respect to the election of a single sequence, MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Accordingly, withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of at

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least 10 sequences in accordance with MPEP § 803.04 is also respectfully requested.

However, in an earnest effort to advance the prosecution of this case Applicants elect Group I, claims 1-9, 14/1 and 15/1 with traverse. Further, Applicants elect the nucleic acid of SEQ ID NO:31, encoding SEQ ID NO:125 with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

Kathleen A. Tyrrell
Reg. No. 38,350

Date: June 28, 2004

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